

REMARKS

This amendment is responsive to the Office Action dated July 20, 2007 and telephone interviews granted by the examiner to the undersigned. Claims 1 - 8 are pending in this application and have been rejected. Reexamination is respectfully requested in view of the foregoing amendments and following remarks.

Telephone Interviews

The examiner and the undersigned conducted a telephone interview on August 7, 2007 to discuss various amendments to the claims. The examiner suggested that claim 1 should be amended as follows:

1. (currently amended) A method for selecting suitable eye shadow and/or rouge cosmetics, which comprises:

obtaining through computer graphic methods an average face composition of each of a plurality of races by a survey of average facial features, skin color, lip color and eye color of a plurality of people;

performing enquiries among a plurality of different races of people for the average face on which eye shadow and rouge are furnished to receive resulting opinions of those people;

analyzing by computer graphing the resulting opinions and submitting an analysis result as average data for color maps and image maps of the plurality of races;

obtaining color information in order to find matching eye shadow and rouge colors and desirable images from the data; displaying the color information; and selecting suitable eye shadow and/or rouge cosmetics based upon said displayed color information.

This claims was sent to the examiner by facsimile on August 9, 2007 for his review.

Subsequently, on October 9, 2007 a second interview was held and the examiner expressed concern about the analyzing step of claim 1. Other clauses of the claims, such as the obtaining step, performing step, the step of obtaining color information, the step of displaying the color information and the step of suitable eye shadow were discussed. The examiner indicated that these clauses appeared to be acceptable.

However, the examiner expressed with respect to the examining step, and asked that the claim explain how the color maps and image maps are produced. In response, this clause has been changed to delete the concept of analyzing in its entirety. Instead, the claim now calls for collecting the results and showing the results on color maps as stated. This language is supported by applicant's specification at page 7, first four lines, as well as other descriptions for the image maps (Figures 5 - 8) and the color maps (Figures 10 and 11). As set forth in applicant's specification at pages 5 and 6, the enquiries are

stated and it is stated and it is these enquiries, and more specifically enquiries 9 - 12, that are used to create the color maps and image impressions.

This portion of the remarks follows the order of the outstanding Office Action beginning at page 2 thereof.

Claim 1 Rejections Under 35 USC § 112(second paragraph)

The Office Action asserts that the claim omits a step of performing enquiries. Applicant traverses this rejection because this is the second subparagraph of the claim. The Office Action states that a step of analyzing opinions is omitted. In the amendment, the step of analyzing has been deleted in its entirety and instead, applicant now sets forth a step of collecting the resulting opinions and showing results as color maps or image maps. The reason for this amendment is that it relates to another rejection directed to what analysis is performed on data.

Next, the Office Action asserts that there is no step or mechanism relating to feedback based upon resulting opinions. The claim as now amended shows claims displaying color information that is related to the collecting of opinions and color maps that are for display of color information. This is the feedback that is now present in the claim.

Next, the Office Action asks if the average face is updated if the opinions show that it is not an average face. In this application and claims, the average face is determined based upon

the average face of races by a survey of average facial features.

The question of whether it is or is not an average face is not part of the claim or the specification.

Next, the Office Action questions whether the average face that is generated in step 1 will have to be modified. The answer is no. The average is not modified in the claim or the specification.

It should be noted that these objections were dealt with by telephone with the examiner and it is believed that they have been understood.

Page 3, Lines 3-4 of the Office Action

Beginning at page 3, line 3 of the Office Action, the examiner questions that claim 1 fails to recite steps indicating how the analysis result is used to generate color maps and image maps of the plurality of races. Specifically, the Office Action asks what analysis is performed on the data to lead to the generation of color maps or image maps. In response, applicant has amended the claim to recite collecting the resulting opinions and showing the results as color maps and image maps of the plurality of races. This language finds support at page 7, first 4 lines.

The color maps, as shown in Figures 10 and 11 relate to the same subject matter as found in the opinion polls in the specification at page 5, specifically the inquiry sentences 9 - 12. These items are active, fresh, gentle and elegant. Once the

enquiries are obtained, they are shown on the color maps as demonstrated in Figures 10 and 11. Figures 10 and 11 merely show the data taken from the enquiries. Similarly, Figures 5 - 9 are the image maps. The image maps show opinions of the three racial groups, namely caucasians, asians and blacks. The coordinate and obsisa of the graphs shows respectfully tone and hue. These are directly related to the replies to the inquiry sentences found on pages 5 and 6 of the specification.

Claim Rejections - 35 USC § 101

Applicant has amended claim 1 to now recite a step of displaying the color information. Applicant respectfully submits that this overcomes the rejection under 35 USC § 101 because it now provides a tangible result that is the displaying of the information.

In view of the foregoing, it is respectfully submitted that the application is now in condition for allowance, and early action in accordance thereof is requested. In the event there is any reason why the application cannot be allowed in this current condition, it is respectfully requested that the Examiner contact the undersigned at the number listed below to resolve any problems by Interview or Examiner's Amendment.

Respectfully submitted,



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Date: October 22, 2007

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RRS/bam